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Attorneys for Diakon Logistics (Delaware) Inc.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

JOSUE SOTO, Individually, on Behalf of All) **CASE NO. 08-CV-0033-L-AJB**
Others Similarly Situated, and on Behalf of the)
General Public,)

Plaintiff and)
Counterclaim Defendant,)

vs.)

DIAKON LOGISTICS (DELAWARE) INC., a) **CLASS ACTION**
foreign corporation;)

Defendant and)
Counterclaimant,)

and)

DOES 1 through 50, inclusive,)
Defendants.)

DIAKON LOGISTICS (DELAWARE) INC.,) **JOINT MOTION TO**
Third-Party Plaintiff,) **RESCHEDULE EARLY NEUTRAL**

vs.) **EVALUATION CONFERENCE**

SAYBE'S, LLC,)

Third-Party Defendant)

Defendant/Counterclaimant/Third-Party Plaintiff, Diakon Logistics (Delaware) Inc.
("Diakon") and Plaintiff/Counterclaim Defendant, Josue Soto ("Soto"), by counsel, respectfully
request that the Court reschedule the Early Neutral Evaluation ("ENE") Conference presently
scheduled for February 26, 2008, for the following reasons:

1 1. On January 15, 2008, the Court issued its Order Setting Early Neutral Evaluation
2 Conference (Dkt. 4), scheduling an ENE conference in this case for February 26, 2008.

3 2. James H. Hanson, the attorney for Diakon who will participate in the ENE
4 conference, is unable to attend the ENE conference on February 26, 2008, due to a prior
5 scheduling conflict.

6 3. Attorney Hanson and Attorney Derek J. Emge, the attorney who will participate
7 in the ENE conference on behalf of Soto, are available during the second two weeks in March
8 2008 and request that the Court reschedule the ENE conference for a date during the second two
9 weeks in March 2008.

10 WHEREFORE, Soto and Diakon respectfully request that the Court reschedule the ENE
11 Conference presently scheduled for February 26, 2008, to a date during the second two weeks of
12 March, and for all other relief proper in the premises.

13 Respectfully submitted,

14 **SCOPELITIS, GARVIN, LIGHT,**
15 **HANSON & FEARY, P.C.**

EMGE & ASSOCIATES

16 By: /s/James H. Hanson

17 James H. Hanson

18 jhanson@scopelitis.com

19 Attorney for Defendant/Counterclaimant/Third-
20 Party Plaintiff, Diakon Logistics (Delaware) Inc.

21 By: /s/Derek J. Emge

22 Derek J. Emge

23 Derek@inthelaw.com

24 Attorney for Plaintiff/Counterclaim Defendant,
25 Josue Soto, Individually, on Behalf of All
26 Others Similarly Situated, and on Behalf of the
27 General Public
28

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was filed electronically this 4th day of February, 2008. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.:

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/s/James H. Hanson.
James H. Hanson

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